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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 PAM ROLITA BEAN, individually and on) Case No.: 3:13-CV-05921-RS
22 behalf of all others similarly situated,)

23 Plaintiffs,) STIPULATION TO SEND PRECERTIFICATION
24 v.) NOTICE TO THE PUTATIVE CLASS; AND
25 HUGO BOSS RETAIL, INC., and DOES) [PROPOSED] ORDER THEREON

26 Defendant.)

1 **THE PARTIES STIPULATE AS FOLLOWS:**

2 1. In response to Plaintiffs' request for contact information for the entire putative class, the
 3 parties have agreed to send a pre-certification notice and opt-out postcard, attached hereto as Exhibit
 4 "A" (the "Notice"). The purpose of the Notice is to inform these individuals of the pendency of the
 5 above-captioned class action lawsuit (the "lawsuit") and seek each individual's consent to the release
 6 of their personal contact information to Plaintiffs' counsel. Plaintiffs' counsel intends to use this
 7 information for the limited purpose of investigating facts to support Plaintiffs' upcoming motion for
 8 class certification. Individuals who receive the Notice and do not opt-out of the notice within the
 9 period set forth below will be deemed to have consented to release their information.

10 2. The parties have agreed to send the Notice to those persons identified by Plaintiffs in
 11 the Complaint as included in the putative class: "All persons who are or were employed in California
 12 as non-exempt employees in HUGO BOSS stores during the Class Period."

13 3. The Parties have agreed to retain a claims administrator to administer this process. The
 14 contract of services with the claims administrator shall provide: (a) that the claims administrator will
 15 not use or disclose any of Defendant's employees' information for any purposes unrelated to this
 16 lawsuit or any purpose different from the express agreement of counsel; (b) that the claims
 17 administrator will not disclose to Plaintiffs' counsel any of the Defendant's employees' information
 18 prior to the end of the applicable opt-out date set forth in paragraph 7; and (c) after the end of the
 19 applicable opt-out date set forth in paragraph 7, the claims administrator will only disclose to
 20 Plaintiffs' counsel information of Defendant's employees who consented to have their contact
 21 information released to Plaintiffs' counsel.

22 4. Within ten (10) business days from the signing of this order by the Court, Defendant
 23 shall release to the claims administrator the contact information of the putative class members as
 24 defined in the Complaint and Paragraph 2. For each individual, Defendant will provide the name, last
 25 known residential address, and last known primary telephone number in an electronic format (the
 26 "List").

27 5. Within five (5) days of the receipt of the List, and prior to mailing the Notice to the
 28 putative class members, the claims administrator shall provide (via facsimile, e-mail or overnight

1 delivery), to both Plaintiffs' and Defendant's counsel, a sample of the envelope and the Notice to be
2 distributed pursuant to this Stipulation and Order for review by counsel.

3 6. Within ten (10) days of the receipt of the List, the claims administrator will mail the
4 notice by first class regular U.S. Mail to the putative class members on the List. The claims
5 administrator shall inform counsel for both parties the actual date the Notice is mailed.

6 7. The individuals who receive the Notice are permitted to opt out of disclosing their
7 contact information to Plaintiffs' counsel by returning the postcard enclosed with the Notice. The
8 postcard must be either: (a) postmarked on or before 30 days from the mailing of the Notice if sent by
9 U.S. Mail; or (b) actually received on or before 30 days from the mailing of the Notice if sent by any
10 other delivery method, including delivery from outside the United States (the "Opt- Out Deadline").

11 8. Within five (5) days from the Opt-Out Deadline, the claims administrator shall provide
12 to Plaintiffs' and Defendant's counsel (via facsimile, e-mail or overnight delivery) a list of the names
13 of all individuals who received a mailing and who did not opt out of release of their contact
14 information and at that time may provide Plaintiffs' counsel with each of these individuals' name, last
15 known address, and last known primary telephone number.

16 9. Plaintiffs will bear all expenses incurred in the sending of this Notice, including all fees
17 and costs incurred by the claims administrator as a result of this procedure.

18 10. The claims administrator is ordered (1) not to use or disclose any information
19 concerning the potential putative class members for any purpose unrelated to this action, or in any
20 manner inconsistent with the express agreement of counsel for each side in this litigation; and (2) not
21 to disclose to Plaintiffs or Plaintiffs' counsel the identity or contact information of any person to whom
22 the claims administrator mails the Notice, except as otherwise provided herein, the claims
23 administrator is further ordered to provide counsel for both sides with a copy of any document to be
24 sent to the potential putative class members.

IT IS SO STIPULATED.

Aiman-Smith & Marcy

Dated: 4/23/14

/s/
Hallie Von Rock
Attorney for Plaintiff Pam Rolita Bean

Littler Mendelson, P.C.

Dated: 4/23/14

/s/
Michael Brewer
Attorney for Defendant Hugo Boss Retail

IT IS SO ORDERED.

Dated: 4/25 , 2014


Hon. Richard Seeborg
United States District Judge

Exhibit A

[Third Party Administrator Letterhead]

[Date]

[Name]
[Address]
[City, State, Zip]

Re: Disclosure of Contact Information in Class Action Lawsuit

Pam Rolita Bean v. Hugo Boss Retail, Inc. Northern District of California.

Case Number 3:13-cv-05921-RS

Dear [Putative Class Member Name]:

This letter is to advise you that your contact information will be disclosed in a class action lawsuit that has been filed in the Northern District of California Court, San Francisco Division, against Hugo Boss Retail, Inc. ("Hugo Boss") on behalf all persons who were, during the class period, employed in California as non-exempt hourly employees in Hugo Boss stores. This letter is to advise you of your right to permit or to object to the disclosure of such information. To object to this disclosure, you must fill out the enclosed form and return postage pre-paid postcard no later than [DATE TBD -- 30 days from date of mailing].

The lawsuit alleges that putative class members were not compensated for all hours worked, including at applicable overtime rates, were not reimbursed for necessary work expenses, were required to purchase goods from Hugo Boss, were not furnished accurate wage statements, were not timely paid for all wages dues upon termination of employment, and that Hugo Boss failed to keep accurate payroll records. Hugo Boss denies these allegations. The Court has not certified the lawsuit as a class action or ruled on the merits of any of the claims.

We believe you worked for Hugo Boss as a non-exempt employee in California during the time period from October 2, 2009, to the present. The plaintiffs' attorneys are asking for the release of your contact information, including your name, last known address, and last known primary telephone number. If you do not object to being contacted, then simply do nothing and you may, or may not, be contacted in the future. By law, this option can have no effect on your current employment with Hugo Boss stores or any other employer.

If you prefer not to release your contact information to the plaintiffs' attorneys, then complete the attached form and return it **no later than [DATE TO BE SUPPLIED -- 30 days from date of mailing]**. By law, you remain entitled to share in any recovery eventually obtained in the lawsuit even if you choose not to be contacted by the plaintiffs' lawyers. Regardless of the option you select, if the lawsuit is certified as a class action and there is any recovery on behalf of the class, a separate notice and claim form will be sent to you so that you can choose to either obtain recovery or be excluded from the class.

[INFORMATION TO BE ON PRE-PAID POSTCARD]
REQUEST TO KEEP CONTACT INFORMATION CONFIDENTIAL

If you wish to keep your contact information confidential and prefer it not be provided to the plaintiff's attorneys, complete this form and return the postage paid postcard no later than [30 days from mailing].

By printing, signing, and dating below, I affirmatively state my desire that my personal contact information remain confidential and not be released to the plaintiff's attorneys.

Print name:

Signature:

Date: _____